## Case IPR2016-00820 U.S. Patent No. 7,064,197 UNITED STATES PATENT AND TRADEMARK OFFICE

### BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOLOGIC, INC., Petitioner

v.

ENZO LIFE SCIENCES, INC., Patent Owner

Case IPR2016-00820

U.S. Patent No. 7,064,197 TITLE: SYSTEM, ARRAY AND NON-POROUS SOLID SUPPORT COMPRISING FIXED OR IMMOBILIZED NUCLEIC ACIDS Issue Date: June 20, 2006

## **DECLARATION OF GREGORY BUCK, Ph.D.**

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|       | А.                                   | <ul> <li>A. Fish Does Not Anticipate Any Of Claims 1, 6, 8, 9, 12, 13, 14, 15, 16, 27, 32, 33, 34, 41, 61, 62, 63, 69, 70, 72, 73, 74, 79, 100, 191, 193, 194, 212, 213, 219, 222, 225, 226, 227, 230, 233, Or 236.</li> </ul> |  |  |
|       |                                      | 1.   | Fish Does Not Involve Nucleic Acid Hybridization<br>Detection Technology   |  |
|       |                                      | 2.   | Fish Does Not Disclose Single-Stranded Nucleic Acid<br>Strands Fixed Or Immobilized To A Non-Porous Solid<br>Support               |  |
|       |                                      | 3.   | Fish Does Not Disclose Single-Stranded Nucleic Acids<br>Fixed Or Immobilized To A Non-Porous Solid Support<br>In Hybridizable Form |  |

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|    | iii  | . The '197 Patent Prosecution History Does Not Support<br>Petitioner's Inherency Theory  |  |
| E. | . Fish, Standing Alone, Does Not Render Obvious Any Of<br>Claims 31, 64, 68, 101, 192, Or 195  |  |  |
|    | Im<br>Ac<br>Se   | sh Does Not Teach Or Suggest A Fixed Or<br>mobilized Nucleic Acid That Comprises A Nucleic<br>cid Sequence Complementary To A Nucleic Acid<br>equence of Interest Sought To Be Identified, Quantified<br>r Sequenced |  |
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| H. | <ul> <li>VPK Does Not Anticipate Any Of Claims 1, 6, 8, 9, 12, 13, 14, 15, 27, 31, 32, 34, 61, 62, 63, 68, 69, 70, 72, 74, 79, 100, 191, 192, 193, 194, 213, 219, 226, 227, Or 236.</li> </ul> |  |  |
|    | 1. In  | dependent Claims 1, 6, 8, 9, 12, 13, 14, 15, And 27118   |  |
|    | 2. De  | ependent Claims 31, 68, And 192126   |  |
|    | 3. De  | ependent Claims 79, 219, And 236130  |  |

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| 4. | Dependent Claims 32, 34, 61, 62, 63, 69, 70, 72, 74, 100, |    |
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## I. INTRODUCTION

I, Gregory Buck, Ph.D., a resident of Richmond, Virginia over 18 years of age, hereby declare as follows:

1. I have personal knowledge of all of the matters about which I testify in this declaration.

2. Desmarais LLP retained me on behalf of Enzo Life Sciences, Inc. ("Enzo") to provide my technical opinions and testimony about claims 1, 6, 8, 9, 12, 13, 14, 15, 16, 27, 31, 32, 33, 34, 38, 41, 61, 62, 63, 64, 68, 69, 70, 72, 73, 74, 78, 79, 100, 101, 191, 192, 193, 194, 195, 212, 213, 218, 219, 222, 225, 226, 227, 230, 233, and 236 of U.S. Patent No. 7,064,197 (Ex. 1001, "the '197 Patent"). I refer to those claims as the "challenged claims."

3. I am being compensated for my work in this proceeding and receiving reimbursement for expenses incurred in the course of my work. My compensation is not contingent in any way on either the opinions I have reached or the outcome of this case.

4. I was also retained on behalf of Enzo to provide technical opinions and testimony on infringement and validity issues regarding the '197 Patent in certain district court cases. I have provided an expert report and/or export testimony in the following matters: *Enzo Life Sciences, Inc. v. Agilent Technologies Inc.*, Civil Action No. 1:12-cv-434 (D. Del.); *Enzo Life Sciences, Inc.* 

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